



PLANNING COMMISSION MEETING
MONDAY, April 15, 2019
City Council Chambers, 400 East Military Avenue, Fremont NE
STUDY SESSION – 4:45 P.M.
PLANNING COMMISSION MEETING – 5:00 P.M.
AGENDA

1. Call to Order.
2. Roll Call.
3. Disclosure of Ex Parte communication regarding any item on the agenda
4. Dispense with the reading and approve the minutes of the February 11, 2019 Regular Meeting as prepared.
5. Consider a request by Heather Carver on behalf of Morningside Commercial, LLC for Amendment to the Redevelopment Plan for the Morningside Road Redevelopment Area to identify a specific project, the Morningside Road Redevelopment Area, generally located at the Northeast corner of Morningside Rd, Johnson Rd.
 - Staff report and presentation
 - Public Hearing
 - Recommendation
6. Consider a request by Heather Carver on behalf of WCBS, LLC to amend the Morningside Area Redevelopment Plan to specifically identify the WCBS project generally located 440 feet northeast of the intersection of Morningside Rd. and Luther Rd.
 - Staff report and presentation
 - Public Hearing
 - Recommendation

7. Consider a request by Stephen Dodd on behalf of property owners for conditional use permit to expand a nonstandard use to allow two houses on a single nonstandard lot to be split into two nonstandard lots on property located at 315 N Linden Ave and 1250 N D St.

- Staff Report
- Public Hearing
- Commission discussion and approval or disapproval

8. Consider a request by Doug Whitehead on behalf of NEBCO, Inc. for a conditional use permit to construct a private campground on Lake Leba, generally located 800 feet southwest of the intersection of Ridge Rd and W Military Avenue.

- Staff Report
- Public Hearing
- Commission discussion and approval or disapproval

9. Adjournment.

THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE, THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT WWW.FREMONTNE.GOV IN ACCORDANCE WITH THE NEBRASKA OPEN MEETINGS ACT, A COPY OF WHICH IS POSTED CONTINUALLY IN THE COUNCIL CHAMBERS FOR PUBLIC INSPECTION, AND SAID MEETING IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS ALSO KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC IN THE PRINCIPLE OFFICE OF THE DEPARTMENT OF PLANNING, 400 EAST MILITARY AVENUE. THE PLANNING COMMISSION RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.

PLANNING COMMISSION MINUTES

February 11, 2019

4:45 p.m. Study Session

5:00 o'clock pm. Regular Meeting

Chairman Dev Sookram called the meeting to order and stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Chairman Sookram, Commissioners Borisow, Landholm, Horeis, Gifford, Nielsen and Carlson present, Commissioners Bowen and Sawyer were absent. Seven Commissioners present – a quorum was established.

Chairman Sookram read the item: disclosure of Ex Parte communication regarding any item on the agenda into the record. There were no Ex Parte communications stated.

Chairman Sookram read the item: dispense with the reading and approve the minutes of the January 21, 2019 Regular Meeting as prepared into the record. It was moved by Commissioner Gifford and seconded by Commissioner Borisow to approve the minutes of the January 21, 2019 Regular Meeting as prepared. A roll call vote showed Commissioners Carlson, Nielsen, Horeis, Borisow, Gifford and Sookram voting aye. Commissioner Landholm abstained as he was not present at that Meeting. Motion carried 6 ayes- one abstaining.

Chairman Sookram read the item: dispense with the reading and approve the minutes of the February 4, 2019 City Council, Planning Commission and Board of Adjustment Special Meeting for an Educational Session as prepared into the record. It was moved by Commissioner Borisow and seconded by Commissioner Landholm to approve the minutes of the February 4, 2019 City Council, Planning Commission and Board of Adjustment Special Meeting for an Educational Session as prepared. A roll call vote showed Commissioners Borisow, Landholm, Horeis and Sookram voting aye. Commissioners Gifford, Nielsen and Carlson abstained. Motion carried 4 ayes- three abstaining.

Chairman Sookram read the item: Consider a request of Love Signs on behalf of Inspro Insurance for change to the text of the Unified Development Code (UDC) related to the square footage of signage allowed on awnings in the DC zoning area into the record. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving no comments from the public. It was moved by Commissioner Borisow and seconded by Commissioner Horeis to table the request for change to the text of the Unified Development Code (UDC) related to square footage of signage allowed on awnings in the DC zoning area, pending further study by the Planning Director. A roll call vote showed all seven Commissioners present voting aye. Motion carried unanimously.

Chairman Sookram read the item: Hear a presentation and receive input on the City's 1 and 6 year Street Improvement Plan into the record. The Commission then heard a

presentation and received input on the three parts of the City's 1 and 6 Year Street Improvement Plan from the Director of Public works. He went through the projects completed in 2018. He spoke about projects planned for 2019 including Johnson Road from Jack Sutton to Morningside, replacing a bridge on Somers with a box culvert, the second phase of pedestrian signals, repaving Military from Grant to Clarmar and Bell Street from Linden to 23rd, as well as the Bell Street viaduct to become ADA compliant. He also stated that there were private developments included in the plan because they are roadway construction, but he doesn't have prices for them yet. He then discussed projects for the 2nd through 6th year and pointed out that there was a duplicate on the Yager Road and 29th Street Intersection. Commissioner Gifford asked questions about railroad quiet zone. Commissioner Landholm asked questions about Main Street and Union. The Director of Public Works explained that it was Union Pacific only at this time, and that five entities would receive comments from Union Pacific and Burlington Northern later, and further explained the width of the streets being difficult. Commissioner Landholm discussed last year's 1 and 6 Year Plan. Chairman Sookram inquired about Iowa and Wyoming Street issues, and the Director of Public Works explained that they could be done as rehab projects as well as some other problem streets within the City. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving no comments from the public. It was moved by Commissioner Borisow and seconded by Commissioner Nielsen to recommend approval of the City's 1 and 6 Year Street Improvement Plan. A roll call vote showed all seven Commissioners present voting aye. Motion carried unanimously.

Hearing no other business, Chairman Sookram stated he would entertain a motion to adjourn the meeting. It was moved by Commissioner Nielsen and seconded by Commissioner Landholm to adjourn the meeting. Meeting was adjourned at approximately 5:37 p.m.

APPROVED

Dev Sookram, Chairman

ATTEST

Director of Planning

Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: April 10, 2019
SUBJECT: Request for Amendment to Morningside Road Redevelopment Plan

Recommendation: Finding that the proposed amendment is consistent with the Comprehensive Plan

Background:

This is a request for an amendment to the Redevelopment Plan for the Morningside Road Redevelopment Area.

The Morningside Road Redevelopment area was declared blighted and substandard by the Fremont City Council in July 2014. The Morningside Business Park Redevelopment Plan was approved July 2014, as well.

18-2103(28) of the Nebraska Revised Statutes defines what work is considered a redevelopment project. A redevelopment project may include land acquisition, installation of public improvements, preparation of the plan, and survey work, among other things.

The area for which projects are proposed consists of Lots 2 and 4-11 Morningside Crossing. These are the commercial lots. The lot on which apartments are proposed is not included in the proposed project area.

The property is currently undeveloped agricultural land. The Preliminary and Final Plats for Morningside Crossing were approved August, 2018.

The proposed commercial use of the property is consistent with the Comprehensive Plan, which designates the area for Commercial Uses on the Future Land Use Map.

The proposed Redevelopment Plan includes "Exhibit C" which addresses the statutory elements required in such a plan. (Attached with the proposed plan amendment.)

The plan states: "due to additional upfront costs required to eliminate the blight and substandard conditions from the Project Site, the Project is not feasible without the use of tax increment financing, which will be used to pay for eligible expenditures under the Act".

The redevelopment area lacks infrastructure, which contributes to the inability to attract development to the area. TIF can be used to address that blighting condition.

The proposed improvements for which approximately \$2,083,000 of Tax Increment Financing would be utilized include site acquisition, site preparation, architectural and engineering fees, public utility extension and installation, installation of streets and sidewalks, landscaping, façade enhancements, energy efficiency enhancements, and other improvements deemed feasible and necessary in support of the public health, safety and welfare.

The cost benefit analysis is based on projects that consists of 4 commercial flex-buildings, a convenience store and fueling station, a retail strip center and single-tenant retail building and a self-storage facility.

It is anticipated that the projects will be constructed in approximately 6 phases. The first phase will include the construction of an approximately 5,000 square foot convenience store and fueling station.

The projects will increase employment in the area and will add sales tax revenue to the community.

The cost benefit analysis estimates the following tax shift based on the 2018 Dodge County tax levy and estimated completed assessed value of the buildings:

Estimated Base Project Area Valuation:	\$126,000
Estimated Completed Project Assessed Valuation:	\$12,000,000
Estimated Tax Increment Base	\$11,874,000
Estimated Annual Projected Tax Shift:	\$242,400

The developer proposes that approximately \$2,083,000 be financed with Tax Increment Financing (TIF) to provide for the construction and installation of infrastructure, acquisition and related improvements.

The property was platted in anticipation of the receipt of TIF for eligible expenses. However, the project, as designed would not be feasible without the availability of tax increment financing for eligible public expenses.

Findings:

The area was declared blighted and substandard in July 2014.

The proposed commercial uses are consistent with the Comprehensive Plan.

The estimated annual projected tax shift is \$242,000

An estimated \$2,083,000 in tax increment financing is necessary to provide for the construction and installation of infrastructure and related eligible expenditures.

The proposed redevelopment projects would not be feasible without tax increment financing.

The proposed redevelopment projects are in the best economic interest of the City of Fremont.

**AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE MORNINGSIDE ROAD REDEVELOPMENT AREA
IN THE CITY OF FREMONT, NEBRASKA**

(MORNINGSIDE CROSSING REDEVELOPMENT PROJECT)

The City of Fremont, Nebraska (“City”) has undertaken a plan of redevelopment within the community pursuant to the adoption of the Redevelopment Plan for the Morningside Road Redevelopment Area in the City of Fremont, as amended (the “Redevelopment Plan”). The Redevelopment Plan was prepared by the City in May of 2014 and was approved by the City Council of the City on July 29, 2014, pursuant to Resolution No. 2014-138. The Redevelopment Plan serves as a guide for the implementation of redevelopment activities within certain areas of the City, as set forth in the Redevelopment Plan.

Pursuant to the Nebraska Community Development Law codified at Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the “Act”), the City created the Community Development Agency of the City of Fremont (“CDA”), which has administered the Redevelopment Plan for the City.

The purpose of this Plan Amendment is to identify: (a) the phasing of the overall project; and (b) a specific project within the Redevelopment Area that will cause the removal of blight and substandard conditions on the site located in the City of Fremont, Nebraska, and legally described on the attached and incorporated Exhibit “A” (the “Project Site”).

The Project Site

The Project Site is in need of redevelopment. The CDA has considered whether the redevelopment of the Project Site will conform to the City’s general plan and the coordinated, adjusted, and harmonious development of the City and its environs. In this consideration, the CDA finds that the proposed redevelopment of the Project Site will promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community including, among other things, the promotion of safety from fire, the promotion of the healthful and convenient distribution of population, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary and unsafe dwelling accommodations or conditions of blight. The blighted condition of the Project Site and the Redevelopment Area has contributed to its inability to attract business and/or development. In order to support private development, the Project Site and the Redevelopment Area are in need of redevelopment.

The Project Site is currently vacant and underdeveloped. The Project Site requires significant upfront costs, including site preparation and installation of public utilities, in order to be developed. Due to the additional upfront costs required to eliminate the blighted and substandard conditions from the Project Site, the Project is not feasible without the use of tax increment financing, which will be used to pay for eligible expenditures under the Act. The redevelopment of the Project

Site is anticipated to eliminate the current blight and substandard conditions of the Project Site and will further the purposes of the Act in conformity with the Redevelopment Plan.

Legislative Bill 874, which was adopted by the Nebraska Legislature in 2018, permits redevelopers to engage in certain redevelopment activities prior to approval of a redevelopment project, including, for example, preparing materials and applications related to a redevelopment project, acquiring land and performing due diligence, and preparing a site for redevelopment. Although the Redeveloper has platted the Project Site and has undertaken other redevelopment activities permitted by Legislative Bill 874 in preparation for redevelopment of the Project Site, the Redeveloper has done so in anticipation of approval of tax increment financing for the proposed Project, and the Project, as designed, would not be feasible and would not occur in the Redevelopment Area but for the availability of tax increment financing for eligible public expenses.

Description of the Project

Morningside Commercial, LLC (the “Redeveloper”) has submitted a proposal for the redevelopment of the Project Site. The Project will consist of the construction of a new commercial center, parking lots, and ancillary improvements on the Project Site in a series of up to 6 phases. Implementation of the Project in phases is described in greater detail below. Phase 1 of the Project will include construction of an approximately 5,000 square foot convenient store and fueling station on Lot 11, and Phase 2 will consist of construction of a roughly 5,000 square foot commercial flex building on Lot 4, and an approximately 11,000 square foot retail strip center on Lots 8 and 9. It is anticipated that Phase 3 will include construction of an approximately 15,000 square foot self-storage facility on Lot 10, and that Phase 4 will consist of construction of an approximately 6,000 square foot single-tenant retail building on Lot 2 and an approximately 5,200 square foot commercial flex building on Lot 7. Phases 5 and 6 are anticipated to include construction of roughly 5,000 square foot commercial flex buildings on each of Lots 5 and 6. The proposed site plan for the Project is attached hereto as Exhibit “B” (the “Site Plan”). The Site Plan is conceptual in nature and is subject to revision based on changes in community needs, but it presents the vision and intended character for the Project. The Project retains the flexibility to change the size and sequence of the individual phases of the development based on market forces and demand.

The Redeveloper will pay the costs of the private improvements, including all costs of construction of the commercial buildings. As part of the Project, the CDA shall capture available tax increment revenues generated by the redevelopment of the individual phases of the Project Site to reimburse the Redeveloper or assist in payment for the public improvements listed as eligible expenditures under the Act in the Redevelopment Area and to be more fully described in the Redevelopment Agreement. Such public improvements may include, but are not limited to: site acquisition, site preparation, architectural and engineering fees, extension of public utilities, installation of streets and sidewalks, landscaping, façade enhancements, energy enhancements, and other improvements deemed feasible and necessary in

support of the public health, safety, and welfare which qualify as eligible expenditures for public improvements under the Act. The specific public improvements for which the available tax increment revenues generated by the Project will be used will be described in more detail in the Redevelopment Agreement.

Implementation of the Project

The Redeveloper intends to complete the Project in 6 phases over a period of years. The private improvements and the public improvements to be constructed by the Redeveloper as a part of each phase will be more particularly described in the Redevelopment Agreement between the CDA and the Redeveloper. The implementation of each phase will mirror the Redeveloper's anticipated construction schedule. Each phase would support separate tax increment financing indebtedness for each phase. Further, the "effective date" for the division of the ad valorem taxes generated by each phase of the Project will be determined for each phase in order to preserve the tax increment financing resources available for the public improvements to be constructed as part of the Project.

The implementation of the Project in multiple phases is crucial to the successful development of the Project, as it will allow the Redeveloper to construct the private improvements at a rate that the market can support, and to adapt subsequent phases of the Project to accommodate the changing needs of the community. For this reason, the Project, including (i) the quantity and type of commercial buildings, (ii) the size of each of the commercial buildings, and (iii) the schedule for implementation of each phase of the Project, is subject to adjustment. The CDA acknowledges that any adjustments to the private improvements, the public improvements, or the timing of construction of each phase of the Project shall be a minor modification to the Redevelopment Plan and this Redevelopment Plan Amendment.

Further, completion of the Project in multiple phases will allow the Redeveloper to optimize the tax increment financing resources available for public improvements in the Redevelopment Area. Due to the scope of the Project and the public improvements to be constructed, the CDA acknowledges that the Redeveloper would not undertake Phase 1 of the Project or any subsequent phase, without the benefit of tax increment financing with respect to each phase of the Project.

Statutory Elements

As described above, the Project envisions the capture of the incremental taxes created by each phase of the Project on the Project Site to pay for those eligible expenditures as set forth in the Act. Attached as Exhibit "C" and incorporated herein by this reference is a consideration of the statutory elements under the Nebraska Community Development Law.

Cost-Benefit Analysis

Pursuant to Section 18-2113 of the Act, the CDA must conduct a cost-benefit analysis for any redevelopment project that will utilize TIF. The Cost-Benefit

Analysis for each phase of the Project is attached hereto as Exhibit “D” and shall be approved as part of this Plan Amendment. The estimated costs of the Project, the estimated TIF proceeds, and the proposed method of financing the project are set forth in the Cost-Benefit Analysis. If the plan for redevelopment is adjusted or the phasing schedule is modified, the Redeveloper shall include any adjustments to the Cost-Benefit Analysis within any minor modification of the Redevelopment Plan.

EXHIBIT “A”
Legal Description of the Project Site

The improvements for this Project shall be constructed on the property legally described as follows:

Lots Two (2), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10) and Eleven (11), Morningside Crossing, as surveyed, platted and recorded in the City of Fremont, Dodge County, Nebraska.

EXHIBIT "B" Site Plan

[Attach]



Exhibit "B"

EXHIBIT “C”
Statutory Elements

A. Property Acquisition, Demolition and Disposal

No public acquisition of private property, relocation of families or businesses, or the sale of property is necessary to accomplish the Project. The Redeveloper has a contractual right to purchase the property from the current owner, and the land will be purchased by Redeveloper.

B. Population Density

The proposed development at the Project Site includes the construction of commercial buildings, which will not affect population density in the project area.

C. Land Coverage

The Project is anticipated to consist of construction of 4 commercial flex buildings, a convenient store and fueling station, a retail strip center and a single-tenant retail building, and a self-storage facility on 9 lots. The Project will meet the applicable land-coverage ratios and zoning requirements as required by the City of Fremont.

D. Traffic Flow, Street Layouts, and Street Grades

As part of the Project, the Redeveloper will extend Bud Boulevard to provide access to the Project Site, and will make improvements to Morningside Road, including construction of acceleration and deceleration lanes leading to and from Bud Boulevard. These improvements, and the implementation of the Project in phases, are anticipated to eliminate any potential adverse impacts with respect to traffic flow, street layouts, and street grades that might result from the Project.

E. Parking

The Project will include construction of parking lots to serve the commercial buildings constructed that will meet or exceed the parking requirements set forth in the applicable zoning district.

F. Zoning, Building Code, and Ordinances

The Project Site is located in the General Commercial zoning district. Redeveloper will be responsible for obtaining any zoning, building code, or ordinance changes that are necessary for the Project.

EXHIBIT “D”
Cost-Benefit Analysis

COMMUNITY DEVELOPMENT AGENCY
CITY OF FREMONT, NEBRASKA
MORNINGSIDE CROSSING REDEVELOPMENT PROJECT
COST-BENEFIT ANALYSIS
(Pursuant to Neb. Rev. Stat. § 18-2113)

The Morningside Crossing Redevelopment Project (the “Project”) will consist of construction of a commercial center on the Project Site in up to 6 phases. The private improvements and the public improvements to be constructed as part of the Project are subject to adjustment based on the needs of the community and other factors. However, for purposes of this cost-benefit analysis, it is assumed that the Project will consist of 4 commercial flex buildings, a convenient store and fueling station, a retail strip center and single-tenant retail building, and a self-storage facility, as more particularly described on Exhibit “D-1”. The cost-benefit analysis for the Project, which will utilize funds authorized by Neb. Rev. Stat. § 18-2147, can be summarized as follows:

1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:

a.	Estimated Base Project Area Valuation:	\$126,000
b.	Estimated Completed Project Assessed Valuation:	\$12,000,000
c.	Estimated Tax Increment Base (b. minus a.):	\$11,874,000
d.	Estimated Annual Projected Tax Shift:	\$242,400

Notes:

- 1. The Estimated Annual Projected Tax shift is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The estimated tax levy for this analysis is 2.041365, which is the 2018 Dodge County tax levy, and is subject to change.*
- 2. The Estimated Completed Project Assessed Valuation is the estimated completed assessed value of all of the private improvements that the redeveloper anticipates will be constructed as part of the Project. The Project will be completed in multiple phases, and each phase may have a different effective date for the division of the ad valorem tax. As a result, the Estimated Annual Projected Tax Shift will vary during the Project.*

2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project:

- a. Public infrastructure improvements and impacts:

The Redeveloper will make significant expenditures for the acquisition, construction and installation of the Project and related and ancillary improvements. It is proposed that approximately \$2,083,000 of these

expenditures will be financed with the proceeds of tax increment financing indebtedness, with the remaining balance to be paid by the Redeveloper. The sources and uses of the TIF indebtedness will be more particularly set forth in the Redevelopment Agreement for this Project, including each phase. It is anticipated that eligible uses of the TIF indebtedness may include the following: site acquisition, site preparation, architectural and engineering fees, public utility extension and installation, installation of streets and sidewalks, landscaping, façade enhancements, energy efficiency enhancements, and other improvements deemed feasible and necessary in support of the public health, safety, and welfare. All expenditures financed by tax increment financing indebtedness shall be eligible in accordance with the requirements of the Nebraska Community Development Law. It is not anticipated that the Project will have a material adverse impact on existing public infrastructure. The Project improvements will materially benefit other property in and around the City.

b. Local Tax impacts (in addition to impacts of Tax Shifts described above):

The Project will create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of tax increment financing will defer receipt of a majority of new ad valorem real property taxes generated by the Project, it is intended to create a long term benefit and substantial increase in property taxes to the City and other local taxing jurisdictions. Since the Project Site was not, until recently, within the corporate limits of the City, the City has not historically relied on tax revenue from the Project Site, and the City would be unlikely to realize additional ad valorem taxes in the near future without the Project because the Project Site and surrounding areas are unlikely to be developed without the street and utility improvements being constructed as part of the Project. The Project should also generate immediate tax growth for the City. It is anticipated that the Project will include a significant amount of personal property that will be installed within the commercial buildings constructed, which will be on the property tax rolls upon its acquisition and installation. Further, the Project will generate sales tax as a result of the commercial buildings constructed.

3. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project:

It is anticipated that the Project will have a material positive impact on employers and employees of firms locating or expanding within the boundaries of the redevelopment project, because the Project includes extension and installation of public utilities, as well as street improvements, which will attract additional redevelopers to the area of the Project. Further, the Project will likely require products and services from firms located within the boundaries of the area of the redevelopment project.

It is not anticipated that the Project will have a material adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project.

4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the area of the redevelopment project:

The Project should have a material positive impact on private sector businesses in and around the area outside the boundaries of the redevelopment project. The Project is not anticipated to impose a burden or have a negative impact on other local area employers. The Project should also increase the need for services and products from existing businesses. Since the Project includes construction of commercial buildings, upon occupancy, the Project may require the purchase of janitorial services, office and hardware supplies, and other similar products and services.

5. Impacts on the student populations of school districts within the City:

The Project is not expected to have an impact on student populations of school districts within the City of Fremont because the Project does not include the construction of any dwelling units.

6. Other impacts determined by the agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:

Upon completion of every phase of the Project, the Project is anticipated to create up to 120 full- and part-time jobs at the commercial buildings on the Project Site. When secondary employment effects in other employment sectors are added, the total employment effects are expected to be even higher.

There are no other material impacts determined by the agency relevant to the consideration of the cost of benefits arising from the Project.

6. Cost Benefit Analysis Conclusion:

Based upon the findings presented in this cost benefit analysis, the benefits outweigh the costs of the proposed Project.

Approved by the Community Development Agency, City of Fremont this ____ day of _____, 2019.

_____, Chairman

_____, Secretary

EXHIBIT D-1

PROJECT INFORMATION

The Project will be undertaken on the real estate legally described as:

Lots Two (2), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10) and Eleven (11), Morningside Crossing, as surveyed, platted and recorded in the City of Fremont, Dodge County, Nebraska

(the “Project Site”). The Project shall consist of the following Private Improvements and Public Improvements:

- (a) **Private Improvements.** The private improvements anticipated to be constructed as part of the Project include 4 commercial flex buildings, a convenient store and fueling station, a retail strip center and a single-tenant retail building, a self-storage facility, and associated improvements on the Project Site. However, the private improvements, including (i) the quantity and type of commercial buildings, (ii) the size of each of the commercial buildings, and (iii) the schedule for implementation of each phase of the Project, are subject to adjustment, as more fully described in the Redevelopment Plan Amendment.
- (b) **Public Improvements.** Land acquisition, extension of public utilities, site preparation, installation of streets and sidewalks, landscaping, façade enhancements, energy efficiency enhancements, and other eligible public expenditures under the Act as determined in the Redevelopment Agreement; paid for, in part, by the tax increment generated by the private improvements.

General Redevelopment Plan
for the
Morningside Road Area
May 2014



Prepared by:
Fremont Planning Department

Purpose of the Redevelopment Plan

The purpose of this redevelopment plan is to help guide the general redevelopment of the area contained within the Morningside Blight Study. According to the Community Development Law contained within state statutes, the general redevelopment plan is geared toward establishing remedies that alleviate the conditions causing blighted and substandard conditions and thus improving the overall economic well-being of the area and community as a whole.

Legal Description of the redevelopment area

The legal description for the 23rd & Bell redevelopment area is the same as adopted in the 23rd & Bell Blight Study; which was more particularly described as:

The findings of this blight study are based on analysis conducted for a location referred to as the “Morningside”, a track of land described as follows: From the Point of Beginning at the northwest corner of Iowa Rail Road Land Company Tax Lots 122 & 123; thence east along the south edge of the Union Pacific Rail Road right of way to the north west corner of Missouri Valley Land Company Lot 11 Section 24 Township 17 Range 8; thence south to the southwest corner of Missouri Valley Land Company Lot 11, Section 24 Township 17 Range 8; thence east along a line parallel to Morningside Road to South Johnson Road; thence north on South Johnson Road to the northwest corner of Tax Lot 26 & Part of Tax Lot 22, Section 19 Township 17 Range 9; thence northeast along south edge of the Union Pacific Railroad right of way to the northeast corner of Tax Lot 26 & Part of Tax Lot 22, Section 19 Township 17, Range 9; thence south along the west right of way of Nebraska Department of Roads Highway 275 right of way to the Morningside Road right of way; thence west along Morningside Road to the intersection of Old Highway 8 and Morningside Road; thence southeast to the southeast corner of Tax Lot 21 Section 25 Township 17 Range 8; thence west along a line parallel to Morningside Road to Jones Street; thence south along Jones Street to the southeast corner of Rail Road Subdivision Part Lots 1 & 2 Tax Lot 77 Section 25 Township 17 Range 8; thence northwest along the Highway 275 right of way; concluding at the northwest corner of Iowa Rail Road Land Company Tax Lots 122 & 123.

Background

Community Development Law, found in Sections 18-2101 through 18-2144 of the Nebraska Revised Statutes, allows a community to undertake efforts to revitalize blighted and substandard areas. The City has undertaken the preparation of this redevelopment plan with the desire to improve the social and economic well-being of the community by either introducing projects that address the conditions that contribute to blight or entertaining efforts by the private sector to alleviate such conditions through specific projects.

This redevelopment plan notes general activities and/or projects within the Morningside study area. A redevelopment project can involve a broad range of activities including:

- Disposal of property, either real or personal
- Acquisition of blighted and substandard areas
- Sale or lease of land for a variety of purposes
- Acquisition of real property to be repaired or rehabilitated

- Demolition of existing buildings, structures, public facilities, and infrastructure as well as the construction of the same as deemed essential to the preparation of sites for uses in accordance with a redevelopment plan

However, it is important to note that state statutes mandate a detailed proposal outlining a redevelopment project or activity must be submitted to the City and its redevelopment authority for evaluation prior to approval as a qualified project. This also includes a cost benefit analysis for any potential project involving Tax Increment Financing (TIF).

With regard to the comprehensive plan, it is hereby incorporated by reference. Additionally, if any conditions found in the redevelopment plan are found to be in conflict with the comprehensive plan, the provisions of the comprehensive plan shall supersede this document. Furthermore, this redevelopment plan shall not constitute an amendment of the comprehensive plan.

Outline of the Redevelopment Plan

The area included in redevelopment plan is highlighted in Figure 1, which is on the following page.

Morningside Blight & Substandard Area



The area includes approximately 183 acres of land, and is a mix of residential, commercial, and light industrial uses. The blight study for this area noted that over 73% of the buildings within the redevelopment area were considered substandard due to age; with many of these structures being residential in nature. In addition, the blight study noted that almost 70% of the structures in the redevelopment area were considered blighted due to structural condition. Furthermore, the blight study notes a number of unsafe conditions relating to street layout and deteriorating infrastructure (or lack thereof),

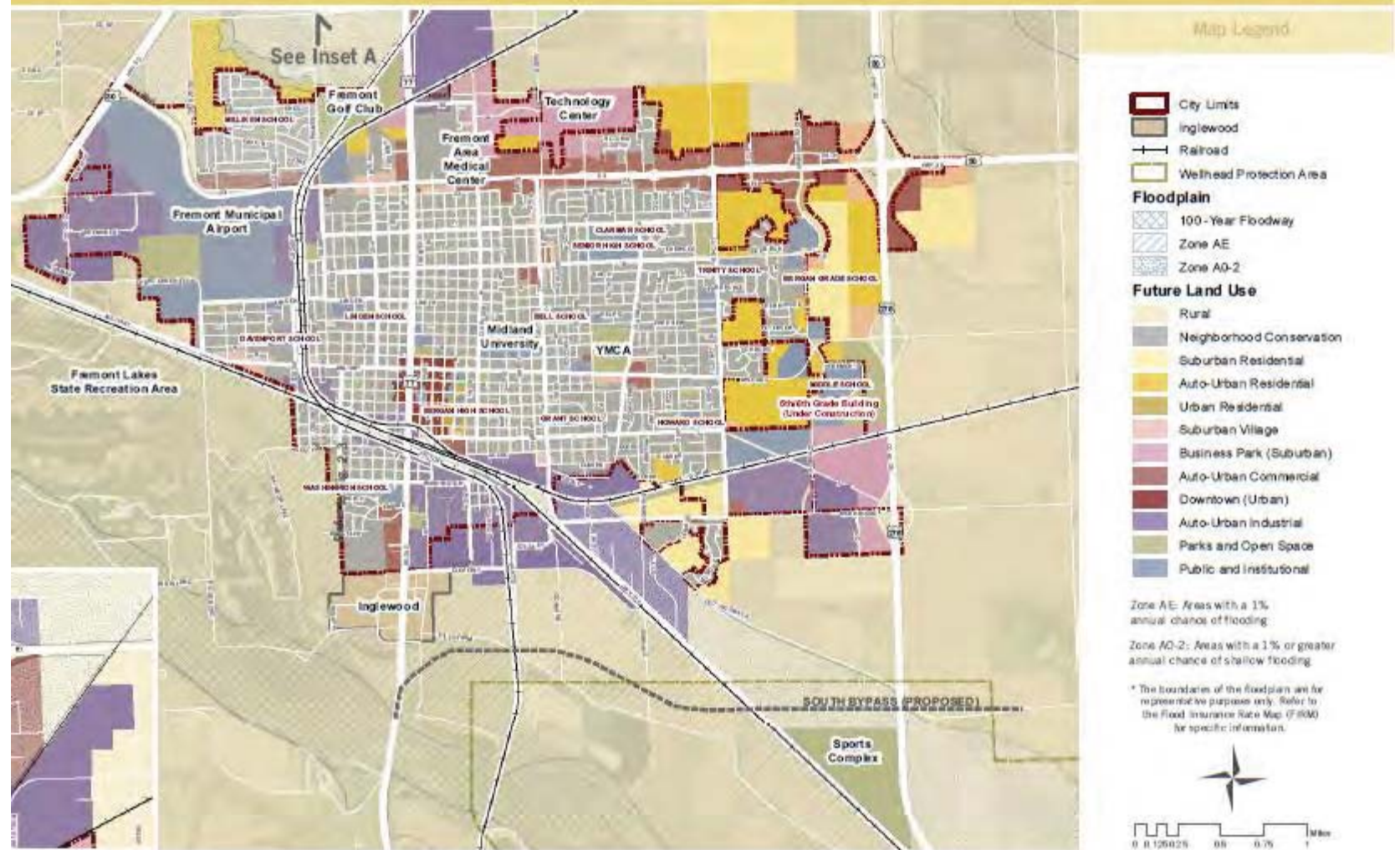
Potential redevelopment projects

As specific redevelopment projects are considered for the area, multiple factors contributing the blighted and substandard conditions should be addressed. Possible activities that would improve these conditions include:

- Removal of deteriorating and/or dilapidated structures
- Renovation or rehabilitation of structures
- Improving unsafe or unsanitary conditions relating to drainage and related infrastructure
- Assembling and platting of land for redevelopment
- Developing or improving other infrastructure in the area, including sidewalks, trails, streets, and utilities
- Increased enforcement of municipal codes relating to nuisances
- Undertaking façade, structural, streetscaping, or landscape improvements in the area
- Other projects that enhance the economic vitality of the area

Relationship to the Comprehensive Plan

Redevelopment activities should be in conformance with the future land use map (attached herein) as well as the comprehensive plan as a whole. Concerning the comprehensive plan, this redevelopment plan supports the recommendations regarding the improvement of existing housing stock, redevelopment of deteriorating economic areas, and improvement of facilities that enhance the overall quality of life. Because this redevelopment plan is general in nature, specific redevelopment project must be weighed against and found to be in harmony with the comprehensive plan before being undertaken.



Staff Report

TO: Planning Commission

FROM: Jennifer L. Dam, AICP, Planning Director

DATE: April 11, 2019

SUBJECT: Request for Amendment to Morningside Road Redevelopment Plan for the WCBS Redevelopment Project

Recommendation: Finding that the proposed amendment is consistent with the Comprehensive Plan

Background:

This is a request for an amendment to the Redevelopment Plan for the WCBS Redevelopment Project.

The parcel is part of the Morningside Road Redevelopment area which was declared blighted and substandard by the Fremont City Council in July 2014. The Morningside Business Park Redevelopment Plan was approved July 2014, as well.

18-2103(28) of the Nebraska Revised Statutes defines what work is considered a redevelopment project. A redevelopment project may include land acquisition, installation of public improvements, preparation of the plan, and survey work, among other things.

The proposed project is to construct an approximately 70,000 square foot warehouse and office facility, parking lot and ancillary improvements. The tax increment would be used for uses eligible under the Nebraska Community Development Law including site acquisition, site preparation, grading, installation of streets, utilities and other improvements.

The property is currently undeveloped agricultural land in the South Fremont Business Park.

The proposed industrial use of the property is consistent with the Comprehensive Plan, which designates the area for Industrial Uses on the Future Land Use Map.

The proposed Redevelopment Plan includes "Exhibit B" which addresses the statutory elements required in such a plan. (Attached with the proposed plan amendment.)

The Cost-Benefit Analysis "Exhibit C" paragraph 2 states "Since the Project Site is unlikely to attract development on account of its proximity to the Lon D. Wright Power Plant, the City would be unlikely to realize the additional ad valorem taxes in the near future without the Project"

The proposed improvements for which approximately \$360,000 of Tax Increment Financing would be utilized include site acquisition, site preparation, architectural and engineering fees, public utility extension and installation, installation of streets and sidewalks, landscaping, façade enhancements,

energy efficiency enhancements, and other improvements deemed feasible and necessary in support of the public health, safety and welfare.

The cost benefit analysis is based on projects that consist of a 70,000 square foot warehouse, an office and related improvements.

The projects will increase employment in the area and will add sales tax revenue to the community.

The cost benefit analysis estimates the following tax shift based on the 2018 Dodge County tax levy and estimated completed assessed value of the buildings:

Estimated Base Project Area Valuation:	\$184,000
Estimated Completed Project Assessed Valuation:	\$1,995,000
Estimated Tax Increment Base	\$1,811,000
Estimated Annual Projected Tax Shift:	\$37,000

The developer proposes that approximately \$360,000 be financed with Tax Increment Financing (TIF) to provide for the construction and installation of infrastructure, acquisition and related improvements.

The property was platted in anticipation of the receipt of TIF for eligible expenses. However, the project, as designed would not be feasible without the availability of tax increment financing for eligible public expenses.

Findings:

The area was declared blighted and substandard in July 2014.

The proposed commercial uses are consistent with the Comprehensive Plan.

The estimated annual projected tax shift is \$37,000

An estimated \$360,000 in tax increment financing is necessary to provide for the construction and installation of infrastructure and related eligible expenditures.

The proposed redevelopment projects would not be feasible without tax increment financing.

The proposed redevelopment projects are in the best economic interest of the City of Fremont.

General Area of Application

Sec: 24
Town: 17
Rng: 8E

Sec: 30
Town: 17
Rng: 9E

**AMENDMENT TO THE REDEVELOPMENT PLAN
FOR THE MORNINGSIDE ROAD REDEVELOPMENT AREA
IN THE CITY OF FREMONT, NEBRASKA**

(WCBS REDEVELOPMENT PROJECT)

The City of Fremont, Nebraska ("City") has undertaken a plan of redevelopment within the community pursuant to the adoption of the Redevelopment Plan for the Morningside Road Redevelopment Area in the City of Fremont, as amended (the "Redevelopment Plan"). The Redevelopment Plan was prepared by the City in May of 2014 and was approved by the City Council of the City on July 29, 2014, pursuant to Resolution No. 2014-138. The Redevelopment Plan serves as a guide for the implementation of redevelopment activities within certain areas of the City, as set forth in the Redevelopment Plan.

Pursuant to the Nebraska Community Development Law codified at Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the "Act"), the City created the Community Development Agency of the City of Fremont ("CDA"), which has administered the Redevelopment Plan for the City.

The purpose of this Plan Amendment is to identify a specific project within the Redevelopment Area that will cause the removal of blight and substandard conditions on the site located in the City of Fremont, Nebraska, and legally described on the attached and incorporated Exhibit "A" (the "Project Site").

The Project Site

The Project Site is in need of redevelopment. The CDA has considered whether the redevelopment of the Project Site will conform to the City's general plan and the coordinated, adjusted, and harmonious development of the City and its environs. In this consideration, the CDA finds that the proposed redevelopment of the Project Site will promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community including, among other things, the promotion of safety from fire, the promotion of the healthful and convenient distribution of population, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary and unsafe dwelling accommodations or conditions of blight. The blighted condition of the Project Site and the Redevelopment Area has contributed to its inability to attract business and/or development. In order to support private development, the Project Site and the Redevelopment Area are in need of redevelopment.

The Project Site is currently vacant and underdeveloped. The Project Site requires significant upfront costs, including site preparation, installation of public utilities and street improvements, in order to be developed. The location of the Project Site just south of the Lon D. Wright Power Plant, which produces coal dust in the area, and the significant upfront costs required to develop the Project Site, contribute to its inability to attract development. Due to the additional upfront costs required to eliminate the blighted and substandard conditions from the Project Site,

the Project is not feasible without the use of tax increment financing, which will be used to pay for eligible expenditures under the Act. The redevelopment of the Project Site is anticipated to eliminate the current blight and substandard conditions of the Project Site and will further the purposes of the Act in conformity with the Redevelopment Plan.

Description of the Project

WCBS, LLC (the "Redeveloper") has submitted a proposal for the redevelopment of the Project Site. The Project will consist of the construction of an approximately 70,000 square foot warehouse, an office, and associated improvements on the Project Site. The Redeveloper will pay the costs of the private improvements, including the costs of construction of the building on the Project Site. As part of the Project, the CDA shall capture available tax increment revenues generated by the redevelopment of the Project Site to reimburse the Redeveloper or assist in payment for the public improvements listed as eligible expenditures under the Act in the Redevelopment Area and to be more fully described in the Redevelopment Agreement. Such public improvements may include, but are not limited to: site acquisition, site preparation and grading, architectural and engineering fees, installation and extension of public utilities, installation of streets and sidewalks, energy enhancements, and other improvements deemed feasible and necessary in support of the public health, safety, and welfare which qualify as eligible expenditures for public improvements under the Act. The specific public improvements for which the available tax increment revenues generated by the Project will be used will be described in more detail in the Redevelopment Agreement.

Statutory Elements

As described above, the Project envisions the capture of the incremental taxes created by the Project on the Project Site to pay for those eligible expenditures as set forth in the Act. Attached as Exhibit "B" and incorporated herein by this reference is a consideration of the statutory elements under the Nebraska Community Development Law.

Cost-Benefit Analysis

Pursuant to Section 18-2113 of the Act, the CDA must conduct a cost-benefit analysis for any redevelopment project that will utilize TIF. The Cost-Benefit Analysis for the Project is attached hereto as Exhibit "C" and shall be approved as part of this Plan Amendment. The estimated costs of the Project, the estimated TIF proceeds, and the proposed method of financing the Project are set forth in the Cost-Benefit Analysis.

EXHIBIT "A"
Legal Description of the Project Site

The improvements for this Project shall be constructed on the property legally described as follows:

The South 380 feet of Lot 2R, Morningside North Business Park Replat, as surveyed, platted and recorded in the City of Fremont, Dodge County, Nebraska.

EXHIBIT "B"
Statutory Elements

A. Property Acquisition, Demolition and Disposal

No public acquisition of private property or relocation of families or businesses is necessary to accomplish the Project. The City of Fremont currently owns the Project Site. The CDA shall acquire the Project Site and convey it to the Redeveloper as necessary to redevelop the Project Site. The conveyance of the Project Site shall be described in greater detail in the Redevelopment Agreement and shall comply with the Nebraska Community Development Law and all other applicable laws.

B. Population Density

The proposed Project includes the construction of an approximately 70,000 square foot warehouse and office facility on undeveloped land, which will not significantly affect population density in the project area.

C. Land Coverage

The Project is anticipated to consist of construction of an approximately 70,000 square foot warehouse and office facility on the approximately 6.6 acre Project Site, which is part of a larger lot consisting of approximately 14.2 acres. The Project will meet the applicable land-coverage ratios and zoning requirements as required by the City of Fremont.

D. Traffic Flow, Street Layouts, and Street Grades

The Project is not anticipated to materially increase traffic to and from the Project Site. As a result, no changes in street layout or street grade are anticipated.

E. Parking

The Project will include construction a parking lot that will meet or exceed parking requirements set forth in the applicable zoning district.

F. Zoning, Building Code, and Ordinances

The Project Site is located in the Limited Industrial zoning district. Redeveloper will be responsible for obtaining any zoning, building code, or ordinance changes that are necessary for the Project.

**EXHIBIT “C”
Cost-Benefit Analysis**

**COMMUNITY DEVELOPMENT AGENCY
CITY OF FREMONT, NEBRASKA
WCBS REDEVELOPMENT PROJECT
COST-BENEFIT ANALYSIS
(Pursuant to Neb. Rev. Stat. § 18-2113)**

The WCBS Redevelopment Project (the “Project”) will consist of construction of an approximately 70,000 square foot warehouse, office facility and associated improvements on the Project Site, as more particularly described on Exhibit “C-1”. The cost-benefit analysis for the Project, which will utilize funds authorized by Neb. Rev. Stat. § 18-2147, can be summarized as follows:

1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:

a.	Estimated Base Project Area Valuation:	\$184,000
b.	Estimated Completed Project Assessed Valuation:	\$1,995,000
c.	Estimated Tax Increment Base (b. minus a.):	\$1,811,000
d.	Estimated Annual Projected Tax Shift:	\$37,000

Note: The Estimated Annual Projected Tax shift is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The estimated tax levy for this analysis is 2.041365, which is the 2018 Dodge County tax levy, and is subject to change.

2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project:

a. Public infrastructure improvements and impacts:

The Redeveloper will make significant expenditures for the acquisition, construction and installation of the Project and related and ancillary improvements. It is proposed that approximately \$360,000 of these expenditures will be financed with the proceeds of tax increment financing indebtedness, with the remaining balance to be paid by the Redeveloper. The sources and uses of the TIF indebtedness will be more particularly set forth in the Redevelopment Agreement for this Project. It is anticipated that eligible uses of the TIF indebtedness may include the following: site acquisition, site preparation, architectural and engineering fees, public utility extension and installation, installation of streets and sidewalks, energy efficiency enhancements, and other improvements deemed feasible and necessary in support of the public health, safety, and welfare. All expenditures financed by tax increment financing indebtedness shall be eligible in accordance with the requirements of the Nebraska Community Development Law. It is not anticipated that the Project will have a material adverse impact on existing public infrastructure. The Project improvements will materially benefit other property in and around the City.

b. Local Tax impacts (in addition to impacts of Tax Shifts described above):

The Project will create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of tax increment financing will defer receipt of a majority of new ad valorem real property taxes generated by the Project, it is intended to create a long term benefit and substantial increase in property taxes to the City and other local taxing jurisdictions. Since the Project Site is unlikely to attract development on account of its proximity to the Lon D. Wright Power Plan, the City would be unlikely to realize additional ad valorem taxes in the near future without the Project. The Project should also generate immediate tax growth for the City. It is anticipated that the Project will include a significant amount of personal property that will be installed within the commercial buildings constructed, such as refrigeration and other equipment, which will be on the property tax rolls upon its acquisition and installation.

3. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project:

It is anticipated that the Project will have a material positive impact on employers and employees of firms locating or expanding within the boundaries of the redevelopment project, because the enhancements to the Project Site should attract additional redevelopment to the area of the Project. Further, the Project will likely require products and services from firms located within the boundaries of the area of the redevelopment project.

It is not anticipated that the Project will have a material adverse impact on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project.

4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the area of the redevelopment project:

The Project should have a material positive impact on private sector businesses in and around the area outside the boundaries of the redevelopment project. The Project is not anticipated to impose a burden or have a negative impact on other local area employers, but should also increase the need for services and products from existing businesses. Since the Project includes an office component, upon occupancy the Project may require the purchase of janitorial services, office supplies, and other similar products and services.

5. Impacts on the student populations of school districts within the City:

The Project is not expected to have an impact on student populations of school districts within the City of Fremont because the Project does not include the construction of any dwelling units.

6. Other impacts determined by the agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:

The Project is anticipated to create additional full- and part-time jobs at the facility constructed on the Project Site, which will have secondary employment effects in other employment sectors in the City of Fremont.

There are no other material impacts determined by the agency relevant to the consideration of the cost of benefits arising from the Project.

6. Cost Benefit Analysis Conclusion:

Based upon the findings presented in this cost benefit analysis, the benefits outweigh the costs of the proposed Project.

Approved by the Community Development Agency, City of Fremont this ____ day of _____, 2019.

_____, Chairman

_____, Secretary

EXHIBIT C-1

PROJECT INFORMATION

The Project will be undertaken on the real estate legally described as:

The South 380 feet of Lot 2R, Morningside North Business Park Replat, as surveyed, platted and recorded in the City of Fremont, Dodge County, Nebraska

(the "Project Site"). The Project shall consist of the following Private Improvements and Public Improvements:

- (a) **Private Improvements.** The private improvements to be constructed by the Redeveloper on the Project Site include a new approximately 70,000 square foot warehouse, office, and associated improvements.
- (b) **Public Improvements.** Land acquisition, installation and extension of public utilities, site preparation and grading, installation of streets and sidewalks, energy efficiency enhancements, and other eligible public expenditures under the Act as determined in the Redevelopment Agreement; paid for, in part, by the tax increment generated by the private improvements.

General Redevelopment Plan
for the
Morningside Road Area
May 2014



Prepared by:
Fremont Planning Department

Purpose of the Redevelopment Plan

The purpose of this redevelopment plan is to help guide the general redevelopment of the area contained within the Morningside Blight Study. According to the Community Development Law contained within state statutes, the general redevelopment plan is geared toward establishing remedies that alleviate the conditions causing blighted and substandard conditions and thus improving the overall economic well-being of the area and community as a whole.

Legal Description of the redevelopment area

The legal description for the 23rd & Bell redevelopment area is the same as adopted in the 23rd & Bell Blight Study; which was more particularly described as:

The findings of this blight study are based on analysis conducted for a location referred to as the “Morningside”, a track of land described as follows: From the Point of Beginning at the northwest corner of Iowa Rail Road Land Company Tax Lots 122 & 123; thence east along the south edge of the Union Pacific Rail Road right of way to the north west corner of Missouri Valley Land Company Lot 11 Section 24 Township 17 Range 8; thence south to the southwest corner of Missouri Valley Land Company Lot 11, Section 24 Township 17 Range 8; thence east along a line parallel to Morningside Road to South Johnson Road; thence north on South Johnson Road to the northwest corner of Tax Lot 26 & Part of Tax Lot 22, Section 19 Township 17 Range 9; thence northeast along south edge of the Union Pacific Railroad right of way to the northeast corner of Tax Lot 26 & Part of Tax Lot 22, Section 19 Township 17, Range 9; thence south along the west right of way of Nebraska Department of Roads Highway 275 right of way to the Morningside Road right of way; thence west along Morningside Road to the intersection of Old Highway 8 and Morningside Road; thence southeast to the southeast corner of Tax Lot 21 Section 25 Township 17 Range 8; thence west along a line parallel to Morningside Road to Jones Street; thence south along Jones Street to the southeast corner of Rail Road Subdivision Part Lots 1 & 2 Tax Lot 77 Section 25 Township 17 Range 8; thence northwest along the Highway 275 right of way; concluding at the northwest corner of Iowa Rail Road Land Company Tax Lots 122 & 123.

Background

Community Development Law, found in Sections 18-2101 through 18-2144 of the Nebraska Revised Statutes, allows a community to undertake efforts to revitalize blighted and substandard areas. The City has undertaken the preparation of this redevelopment plan with the desire to improve the social and economic well-being of the community by either introducing projects that address the conditions that contribute to blight or entertaining efforts by the private sector to alleviate such conditions through specific projects.

This redevelopment plan notes general activities and/or projects within the Morningside study area. A redevelopment project can involve a broad range of activities including:

- Disposal of property, either real or personal
- Acquisition of blighted and substandard areas
- Sale or lease of land for a variety of purposes
- Acquisition of real property to be repaired or rehabilitated

- Demolition of existing buildings, structures, public facilities, and infrastructure as well as the construction of the same as deemed essential to the preparation of sites for uses in accordance with a redevelopment plan

However, it is important to note that state statutes mandate a detailed proposal outlining a redevelopment project or activity must be submitted to the City and its redevelopment authority for evaluation prior to approval as a qualified project. This also includes a cost benefit analysis for any potential project involving Tax Increment Financing (TIF).

With regard to the comprehensive plan, it is hereby incorporated by reference. Additionally, if any conditions found in the redevelopment plan are found to be in conflict with the comprehensive plan, the provisions of the comprehensive plan shall supersede this document. Furthermore, this redevelopment plan shall not constitute an amendment of the comprehensive plan.

Outline of the Redevelopment Plan

The area included in redevelopment plan is highlighted in Figure 1, which is on the following page.

Morningside Blight & Substandard Area



The area includes approximately 183 acres of land, and is a mix of residential, commercial, and light industrial uses. The blight study for this area noted that over 73% of the buildings within the redevelopment area were considered substandard due to age; with many of these structures being residential in nature. In addition, the blight study noted that almost 70% of the structures in the redevelopment area were considered blighted due to structural condition. Furthermore, the blight study notes a number of unsafe conditions relating to street layout and deteriorating infrastructure (or lack thereof),

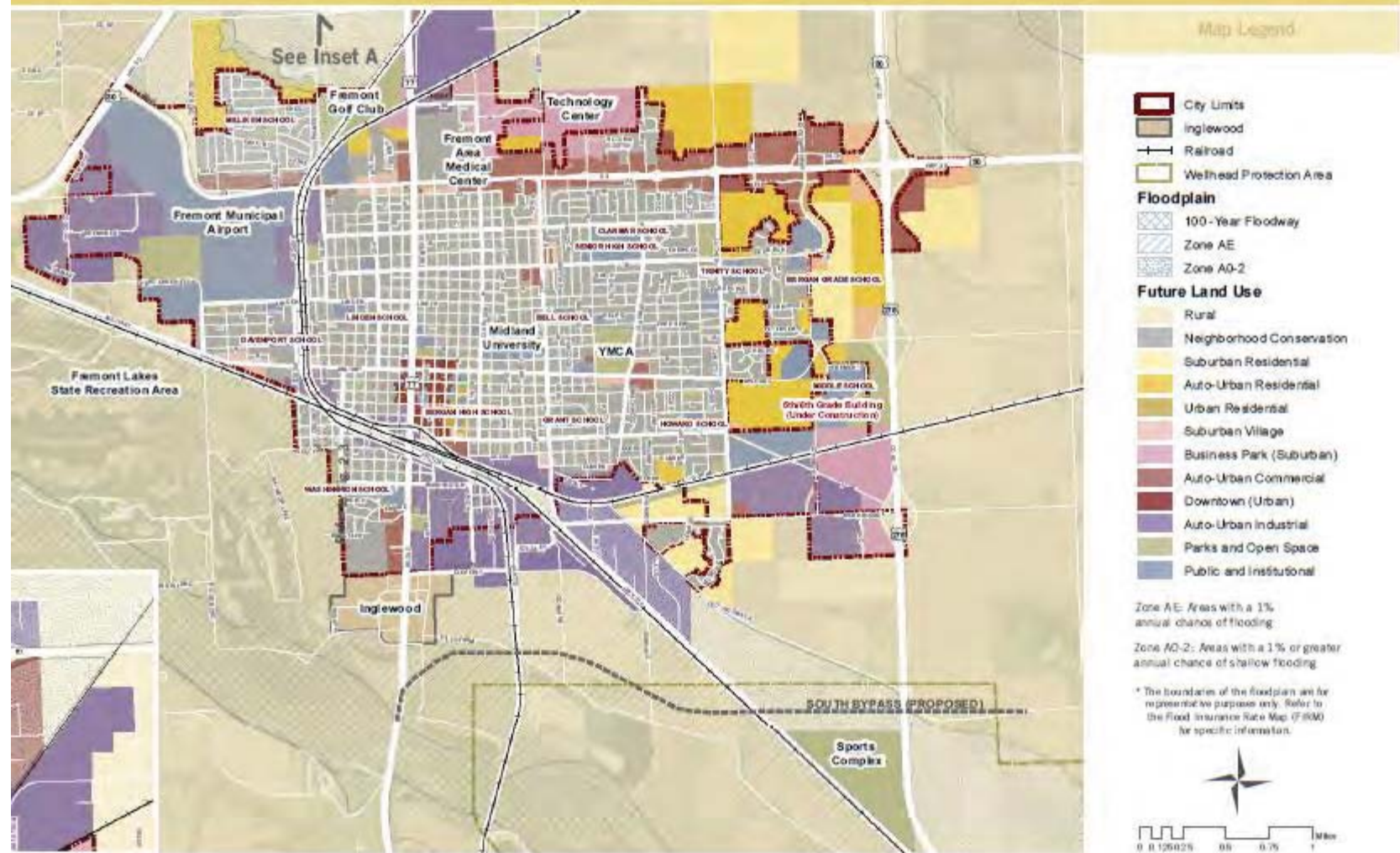
Potential redevelopment projects

As specific redevelopment projects are considered for the area, multiple factors contributing the blighted and substandard conditions should be addressed. Possible activities that would improve these conditions include:

- Removal of deteriorating and/or dilapidated structures
- Renovation or rehabilitation of structures
- Improving unsafe or unsanitary conditions relating to drainage and related infrastructure
- Assembling and platting of land for redevelopment
- Developing or improving other infrastructure in the area, including sidewalks, trails, streets, and utilities
- Increased enforcement of municipal codes relating to nuisances
- Undertaking façade, structural, streetscaping, or landscape improvements in the area
- Other projects that enhance the economic vitality of the area

Relationship to the Comprehensive Plan

Redevelopment activities should be in conformance with the future land use map (attached herein) as well as the comprehensive plan as a whole. Concerning the comprehensive plan, this redevelopment plan supports the recommendations regarding the improvement of existing housing stock, redevelopment of deteriorating economic areas, and improvement of facilities that enhance the overall quality of life. Because this redevelopment plan is general in nature, specific redevelopment project must be weighed against and found to be in harmony with the comprehensive plan before being undertaken.



Staff Report

TO: Planning Commission

FROM: Jennifer L. Dam, AICP, Planning Director

DATE: April 10, 2019

SUBJECT: Request for Conditional Use Permit to Expand and Subdivide Non-Standard Use on property legally described as the N 66' of Lots 3 & 4, Block 34, Chase's Addition, generally located at 315 Linden Ave. and 350 N D.

Recommendation: Denial of Request

Background:

This is a request for a Conditional Use Permit to "expand a nonstandard use" to allow the subdivision of a parcel that contains two separate dwelling units. The property is described as the north 66 feet of lots 3 and 4, Block 34, Chase's Addition to Fremont, generally located at 315 Linden Ave. and 350 N. D St.

The applicant has provided a copy of a plat that appears to have the area originally subdivided into smaller lots. However, the north 66' of Lots 3 and 4 were deeded as a parcel by Charles Morse to Julius Morgan in 1901.

It was not uncommon to sell portions of lots and file the deed with the Register of Deeds prior to the adoption of subdivision regulations.

The lot contains 9,240 square feet, which would be classified as a Standard 1 lot in the AR zoning district.

A duplex would require a 6,500 square foot lot, so could be placed on this parcel.

A single family "Standard II lot in the AR Auto-Urban Residential district is a minimum of 5,750 square feet. The proposed lot split would result in lots of 4,356 and 4,884 both of which are smaller than the minimum size required.

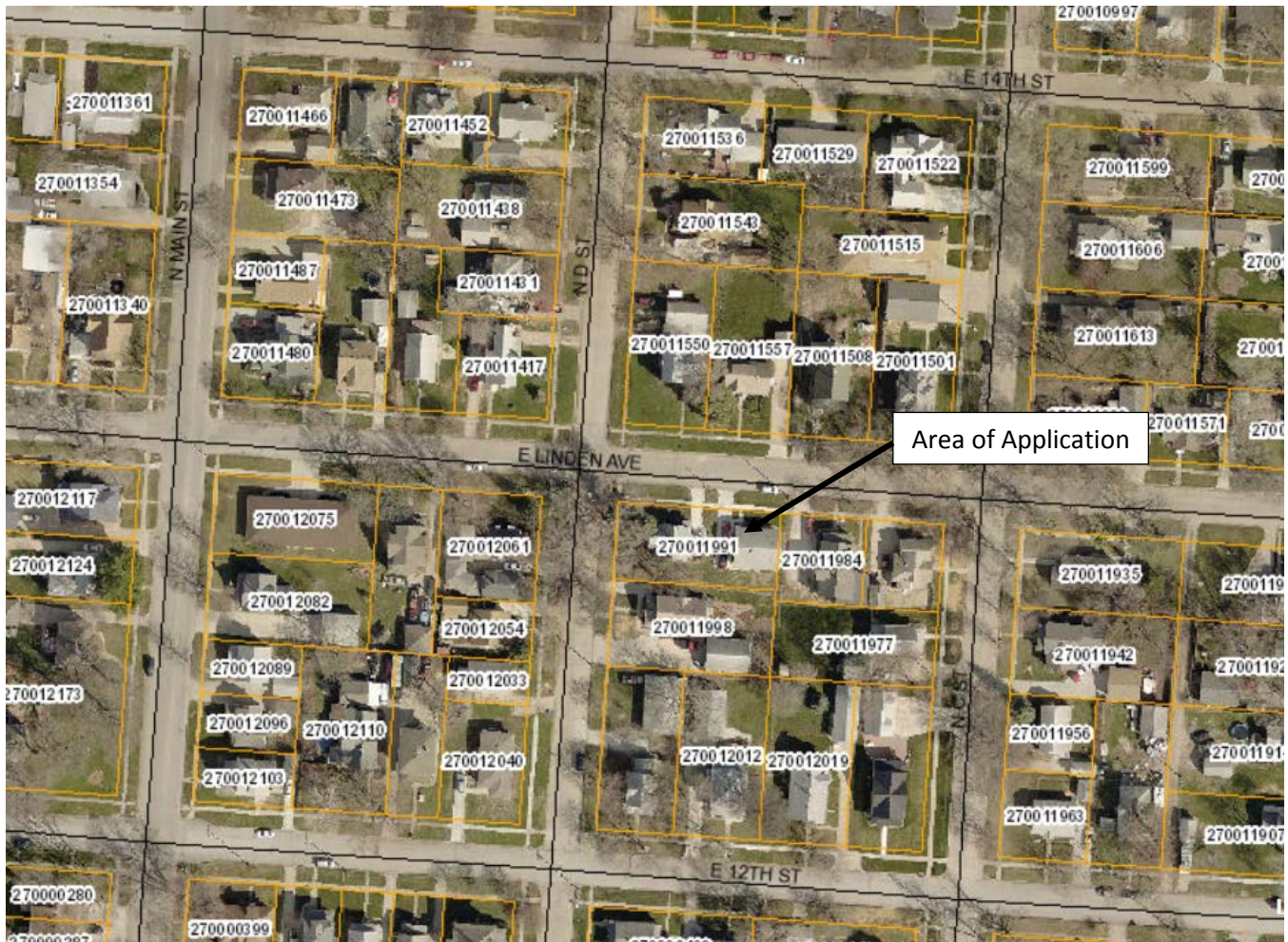
The existing units appear to conform to the setback requirements of the district.

A building permit was issued in 1970 to move the second house onto the site. The parcel was zoned R-2 two-family residential at the time.

It is not clear why the building permit was issued to allow a second house on the lot. It seems that it must have been due to a misinterpretation of the zoning ordinance.

The existing houses do not meet the definition of a non-standard use as the houses comply with the minimum setbacks and lot area for a duplex. A "Non-standard Use" is defined as "...the category of nonconformance consisting of Premises occupied by buildings, structures or uses which existed immediately prior to the effective date of this UDC or becomes nonconforming through a change in this UDC or district boundaries, which fails to comply with the minimum requirements for the area, density, width, front yard, side yard, rear yard, height, unobstructed open space, or parking for the district in which it is located, even though the use of the Premises conforms to the Permitted Uses within the district as set out in this UDC."

Approval of the request would encourage additional non-standard or non-conforming subdivisions, which is contrary to the criteria for approval of a conditional use permit listed in 11-316.05(B)(1) and (4).



Copy of Chase's Addition.
To.
The Town of Fremont.

16 th Street											
10	5	4	10	5	4	10	5	4	10	5	4
	6	1		6	1		6	1		6	1
	7	2		7	2		7	2		7	2
	8	1		8	1		8	1		8	1
15 th Street											
	5	4		5	4		5	4		5	4
	6	1		6	1		6	1		6	1
	7	2		7	2		7	2		7	2
	8	1		8	1		8	1		8	1
14 th Street											
	5	4		5	4		5	4		5	4
	6	1		6	1		6	1		6	1
	7	2		7	2		7	2		7	2
	8	1		8	1		8	1		8	1
13 th Street											
	5	4		5	4		5	4		5	4
	6	1		6	1		6	1		6	1
	7	2		7	2		7	2		7	2
	8	1		8	1		8	1		8	1
12 th Street											
	5	4		5	4		5	4		5	4
	6	1		6	1		6	1		6	1
	7	2		7	2		7	2		7	2
	8	1		8	1		8	1		8	1

Filed the 29th day of January, A.D. 1869.
at 3 O'clock P.M. and pasted in Book C
of deeds at page 101
By request of Dr E. Chase.

A. J. Bough,
County Clerk,
Dodge Co. Neb.

9
His
John A. Chase

DEED RECORD, 27.

FROM
Charles A. Morse, Adm.
TO
Julius Morgan

Filed for record this 5th day of January 1901
at 11:50 o'clock A.M.
WARRANTY DEED.
Geo. F. Lorch
Register of Deeds.
By _____
Deputy.

KNOW ALL MEN BY THESE PRESENTS:

THAT I, Charles A. Morse, Administrator of the Estate of William Morse, deceased, with his will annexed, by virtue of the power conferred by said will in consideration of Eleven hundred & no/100 DOLLARS, in hand paid, do hereby Grant, Bargain, Sell, Convey, and Confirm unto Julius Morgan of Saunders County, Neb. the following described Real Estate, situate in the County of Dodge, and State of Nebraska, to-wit:
The North Sixty Six (66) feet of Lots Three (3) & Four (4) in Block Thirty Four (34) in Chase Addition to the City of Fremont, Nebraska.

Together with all the tenements, hereditaments and appurtenances to the same belonging, and all the estate, right, title, interest, dower, claim, or demand whatsoever of the said William Morse at his death, and of his heirs and assigns of, in, or to the same, or any part thereof, TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the said Julius Morgan and to his heirs and assigns forever. And I do hereby covenant with the said Julius Morgan and his heirs and assigns, that they are free from incumbrances; that I and my lawful heirs, lawfully seized of said premises, that they are free from incumbrances; that I have good right and lawful authority to sell the same, and do hereby covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever. As such Administrator by the powers said will lawfully conferred on me.

SIGNED this 29th day of December A. D. 1900.

IN PRESENCE OF

Chas. F. Hedge

One dollar & no/100
Geo. F. Lorch
Reg. of Deeds
12-29-1900

Charles A. Morse, Administrator of the Estate of William Morse, deceased, with his will annexed.

The State of Nebraska, }
County of Dodge } ss.

On this 29th day of December A. D. 1900, before me, a Notary Public in and for said County, personally came the above Charles A. Morse, Administrator of the Estate of William Morse, deceased, grantor herein who is personally known to me to be the identical person whose name is affixed to the above deed as grantor and he acknowledged the instrument to be his voluntary act and deed for the purposes therein stated.

Chas. F. Dodge
Notary Public
Dodge County
Nebraska

WITNESS my hand and official seal

Chas. F. Hedge, Notary Public
My Commission expires January 31, 1901

DEED RECORD, 32.

W. H. HARRISON, PRINTING CO., FARMER, NEB.

FROM
Julius Beckman

TO
Julius Morgan

Warranty Deed.

Filed for record this 1 day of March, 1906
at 2:30 o'clock P. M.
Julius Beckman Register of Deeds.
By _____ Deputy.

Know all Men by These Presents:

THAT Julius Beckman a single man of Trumaine, Nebraska
in consideration of Six Hundred and no DOLLARS,
in hand paid, do hereby Grant, Bargain, Sell, Convey and Confirm unto Julius Morgan of Trumaine, Neb.
the following described Real Estate, situate in the County of Dodge, and State of Nebraska, to wit:
The South Seventy Four (74) feet of Lots Three (3) and Four (4) in Block Thirty Four (34)
in Chase Addition to the City of Trumaine

Together with all the tenements, hereditaments and appurtenances to the same belonging, and all the estate, right, title, interest, dower, claim, or demand whatsoever of the said Julius Beckman of, in, or to the same, or any part thereof.

TO HAVE AND TO HOLD the above described premises, with the appurtenances, unto the said Julius Morgan and to his heirs and assigns forever. And I do hereby covenant with the said Julius Morgan and his heirs and assigns, that I lawfully seized of said premises, that they are free from encumbrance: that I have good right and lawful authority to sell the same, and do hereby covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever.

SIGNED this 1st day of March, A. D. 1906
IN PRESENCE OF

Chas. F. Dodge

Julius Beckman

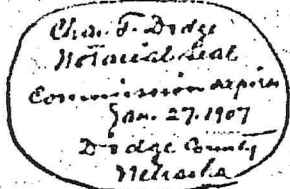
The State of Nebraska, } ss.
Dodge County,

On this 1st day of March, A. D. 1906, before me, a Notary Public in and for said County, personally came the above

Julius Beckman who is personally known to me to be the identical person whose name is affixed to the above deed as grantor and he acknowledged the instrument to be his voluntary act and deed for the purpose therein stated. the day aforesaid.

WITNESS my hand and Notarial Seal

Chas. F. Dodge, Notary Public



LINDEN AVE.

74.00'

66.00'

66.00'

66.00'

66.00'

74.00'

66.00'

"D" STREET



Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: April 11, 2019
SUBJECT: Conditional Use Permit Request for a Campground at Lake Leba

Recommendation: Conditional approval with the conditions that the developer obtains a floodplain development permit, receives required permits and approvals for the septic and water systems and that the campers be road ready and not on the property for more than 180 days.

Background:

Lake Leba is a privately owned sandpit lake within the Fremont extra-territorial jurisdiction. It is legally described as consisting of Tax Lots 56, 57 and part of Tax Lot 52 and 2 147.46A in Section 21, T17N, R8E.

The owners are requesting a conditional use permit to install a 5 pad campground, docks, and gazebos. A well and water system, septic tank and bath house are anticipated in the future.

The campground would be for the private use of employees of NEBCO.

The proposed campground is more than 300' to a SR, AR, MH, GI or AV district.

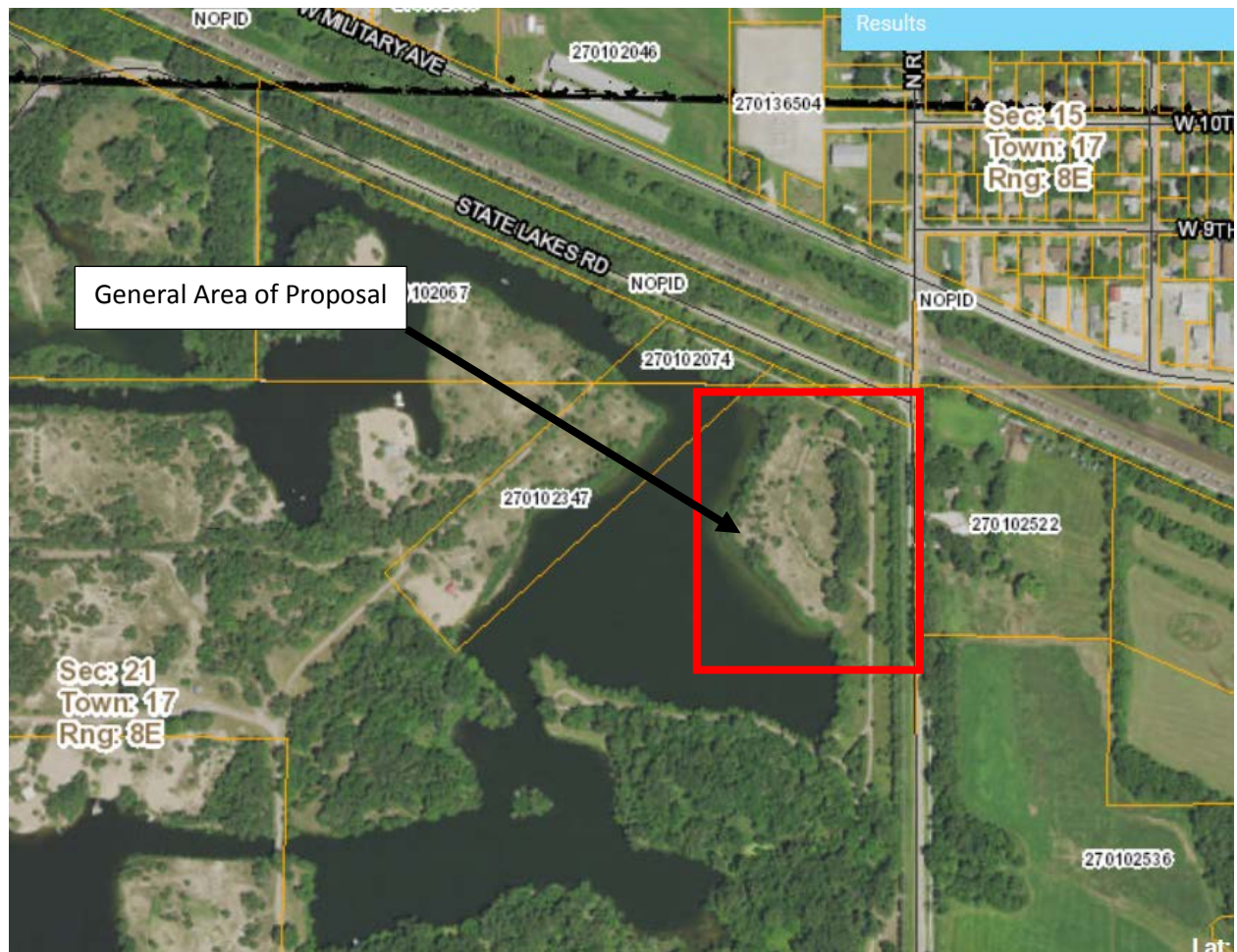
The primary access to the site is from a collector roadway.

There will be limited traffic and it will be a private campground so noise and traffic can be privately regulated.

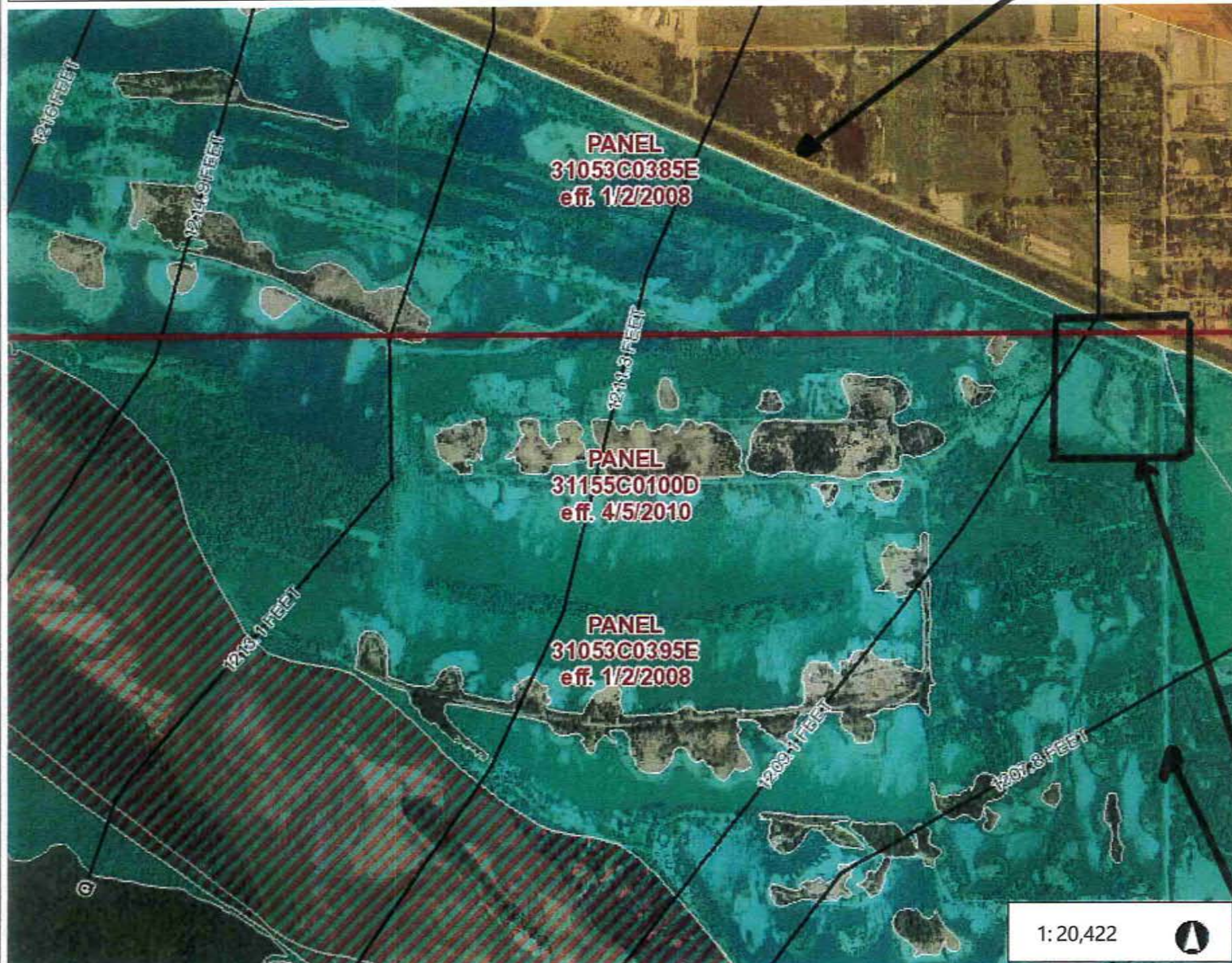
The septic and water systems need to meet all State and local codes and regulations.

A floodplain development permit will be required.

Campers must be road ready, not permanently attached and on site for less than 180 days.



W. MILITARY AVE.



1: 20,422

Legend

- FIRM Panels
- Cross-Sections
- Flood Hazard Zones**
 - 1% Annual Chance Flood Hazard
 - Regulatory Floodway
 - Special Floodway
 - Area of Undetermined Flood Hazard
 - 0.2% Annual Chance Flood Hazard
 - Future Conditions 1% Annual Chance FI
 - Area with Reduced Risk Due to Levee
- Effective Flood Zone - Paper Map**
 - 1PCT Annual Chance Flood Zone
- Preliminary Cross-Sections
- Preliminary Flood Hazard Zones**
 - 1% Annual Chance Flood Hazard
 - Regulatory Floodway
 - Special Floodway
 - Area of Undetermined Flood Hazard
 - 0.2% Annual Chance Flood Hazard
 - Future Conditions 1% Annual Chance FI
 - Area with Reduced Risk Due to Levee
- Flood Awareness Areas**
 - 1% Annual Chance
 - 1% Annual Chance
 - 0.2% Annual Chance
- World Imagery
- World Street Map

PROJECT LOCATION
RIDGE ROAD

0.6 0 0.32 0.6 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



Scale: 1" = 2000'

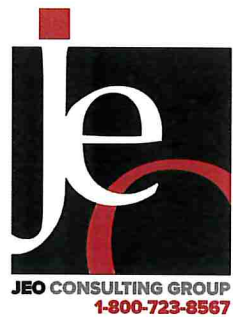
OWNER: NEBCO, INC.
LINCOLN, NE

ENGINEER: ERIC OBERT, P.E.
JEO CONSULTING GROUP, INC.

© JEO Consulting Group

Date: 3.7.2019

Project No. P182020.00



LAKE LEBA CAMPGROUND SITE

Scale: 1" = 100'

OWNER: NEBCO, INC.
LINCOLN, NE

ENGINEER: ERIC OBERT, P.E.
JEO CONSULTING GROUP, INC.

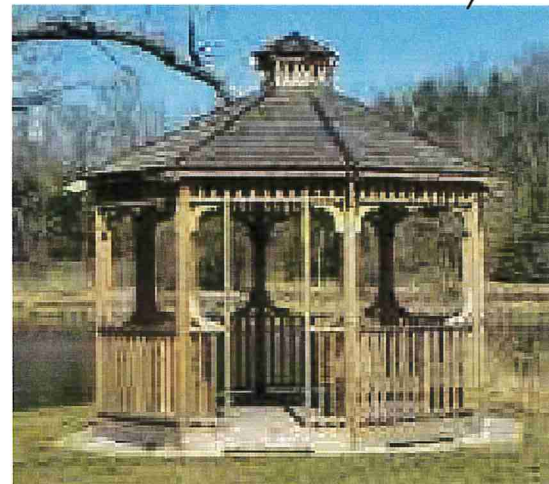


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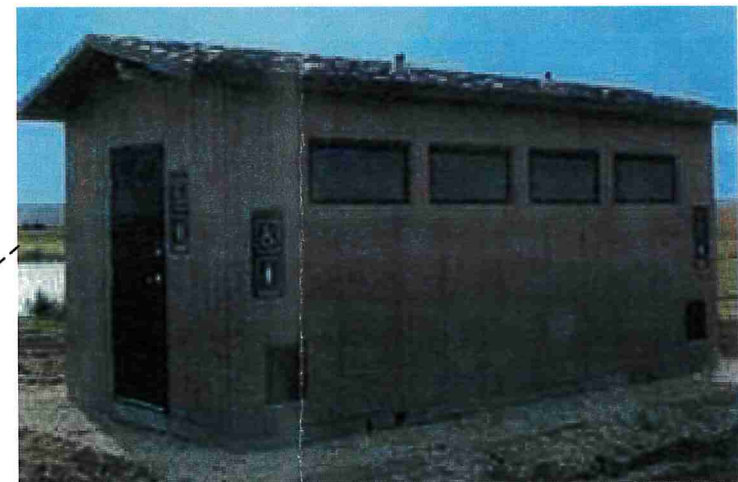
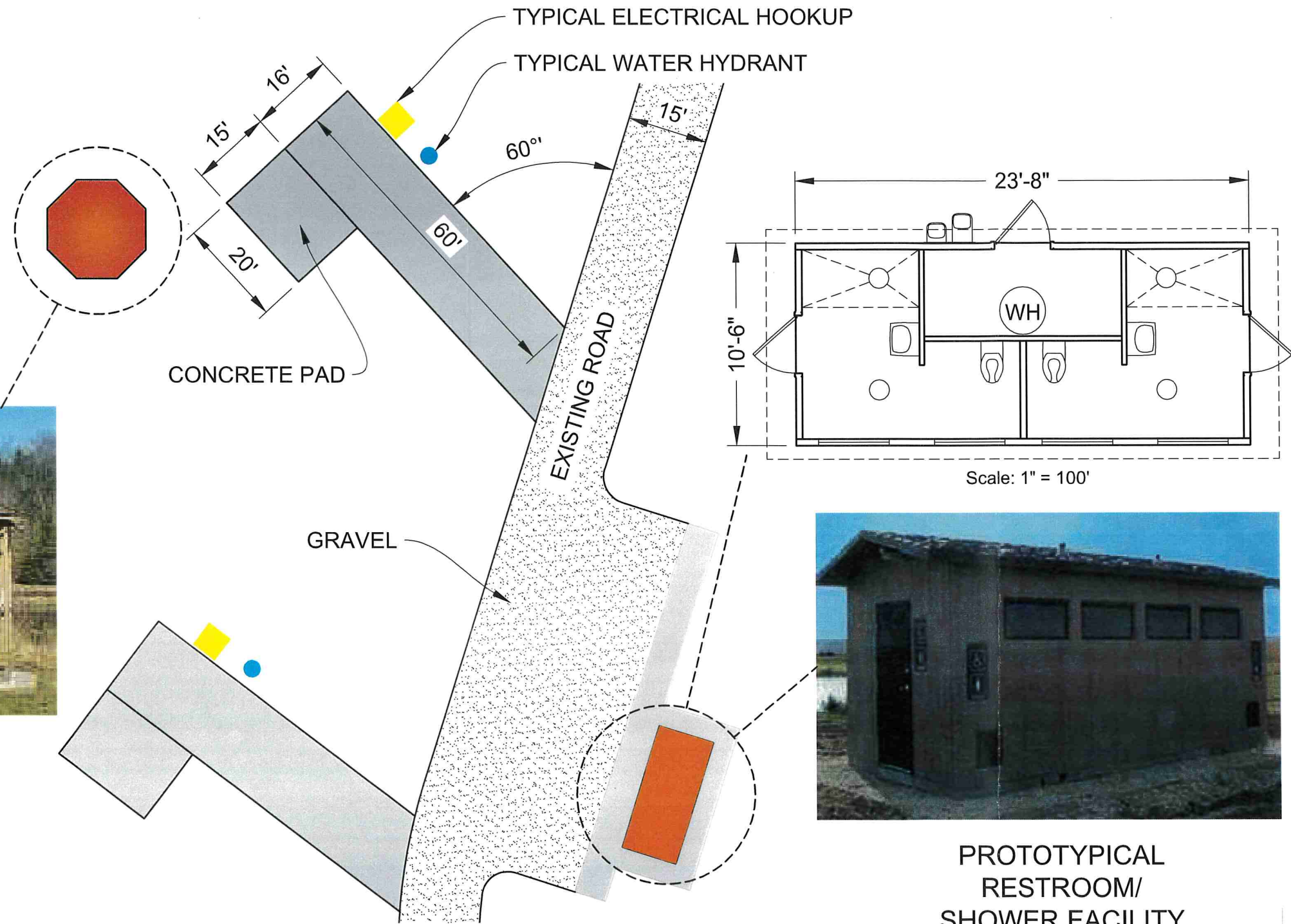
SITE PLAN SHEET 1

Date: 3.7.2019

Project No. P182020.00



PROTOTYPICAL
GAZEBO



PROTOTYPICAL
RESTROOM/
SHOWER FACILITY

LAKE LEBA CAMPGROUND SITE

Scale: 1" = 30'

OWNER: NEBCO, INC.
LINCOLN, NE

ENGINEER: ERIC OBERT, P.E.
JEO CONSULTING GROUP, INC.



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DETAILS SHEET 2

Date: 3.7.2019

Project No. P182020.00